THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4517 of 2007

Date: 06.03. 2007

Between:

K.Veeraswamy S/o Appa Rao and another.

….Petitioners

And

The Commissioner, Stamps and Registration,
Government of A.P., Hyderabad and others.

….Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4517 of 2007

ORDER:

Petitioners state that the first petitioner is the owner and possessor of land admeasuring Acs.2.67 cents in Survey No.144/2 of Ramanayyapeta village,Kakinada Urban, East Godavari District. It is also stated that the first petitioner sold the said land to the second petitioner and executed a sale deed in favour of the second petitioner to transfer the said land, and hence they approached the third respondent for registration of the same. The grievance of the petitioners is that the third respondent is not accepting the document for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said Survey Number. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the third respondent to refuse registration

had disappeared, he is under obligation to receive the documents and consider the same, in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the Writ Petition is disposed of, directing the third respondent to receive and process the document presented by the petitioners and take necessary steps, in accordance with the provisions of the Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Date: 06.03.2007

Note: Furnish C.C. tomorrow.
(B/o)
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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77